

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**

Appl. No. 09/530,803
Amendment dated October 31, 2003
Reply to Office Action dated July 31, 2003

REMARKS

The claims have been amended to more clearly describe the invention. Claim 1 has been amended to recite the range "greater than 1 wt-% to 5 wt-%." New claim 16 finds support in the Specification on page 16, lines 8-13.

No new matter has been added.

Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 1-5 and 7-15 as obvious over US Patent No. 4,551,501 to Shiga et al. in view of US Patent No. 5,684,099 to Watanabe et al. The Examiner contends that Shiga et al. disclose a polymer composition comprising a blend of crystalline polypropylene and vinyl cycloalkanes. He contends that treatment of a Ti/Et_3Al catalyst with vinyl cyclohexane results in the formation of poly(vinyl cyclohexane) containing the active catalyst. He further contends that in the subsequent step propylene is polymerized in the presence of the catalyst modified with a polymer containing vinyl units previously prepared. Lastly, he contends that the inventors contemplated the use of additives normally incorporated into polypropylene, however no specific amount of pigment is disclosed.

The Examiner contends that Watanabe et al. disclose compositions comprising polypropylene polymer nucleated with polyvinyl cycloalkanes. He contends that the reference teaches additives such as coloring agents used in an amount of 0.01-1 wt-%. The Examiner concludes that one with ordinary skill in the art would have been motivated

Appl. No. 09/530,803
Amendment dated October 31, 2003
Reply to Office Action dated July 31, 2003

to use the same amount of coloring agent taught in the Watanabe et al. reference in the Shiga et al. invention in order to produce a colored polypropylene composition. Applicants respectfully traverse.

Applicants first point out that the claims have been amended to recite the range of "greater than 1 wt-% to 5 wt-%." Applicants submit that they are entitled to this range because the original range of 0.01 - 5 % wt. % included all points between the end points, i.e. values greater than 1 wt-%.

In the Watanabe reference, column 10, lines 36-38, Watanabe teaches that additives such as coloring agents can be added in an amount that does not impair the effect of the composition. Yet in column 10, lines 62-64, Watanabe teaches that additives can be added in an amount of 0.01-1 wt-%. This teaching suggests to one skilled in the art that additives such as coloring agents impair the properties of the polymer if amounts greater than 1.0 wt% are used. That is, the reference teaches away from the instant invention. But Applicants have demonstrated that greater amounts can be used with no negative effect, as presented in the declaration of Dr. Harkonen which was submitted April 23, 2003.

In view of the above, Applicants respectfully request reconsideration and removal of the rejections.

In view of the above remarks, all of the claims remaining in the case are submitted as defining non-obvious, patentable subject matter.

Appl. No. 09/530,803
Amendment dated October 31, 2003
Reply to Office Action dated July 31, 2003

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson (Reg. No. 30,330) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

Leonard R. Svensson, #30,330

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Certificate of Transmittal
I hereby Certify that this correspondence is being
facsimile transmitted to the Patent and
Trademark Office:
On 10-31-03
Sandra G. Paulo
Signature
SANDRA G. PAULO
Typed or printed name of person signing certificate

LRS/SWG/sbp
0365-0444P